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**TITLE 10 OFFICE OF ATTORNEY GENERAL
FOR THE STATE**

LSA Document #01-264(F)

DIGEST

Adds 10 IAC 4 concerning the regulation of athlete agents provided for in IC 25-5.2 (Senate Enrolled Act 171). Adds 10 IAC 4-3 establishing fees for an application for registration or renewal of registration of athlete agents. Adds 10 IAC 4-4 placing within the consumer protection division of the office of the attorney general the responsibility of the regulation of athlete agents, including the granting, denying, renewing, refusing to renew, suspending, revoking, and restricting of certificates of registration of athlete agents and investigation of athlete agents. Adds 10 IAC 4-5 establishing procedures for petitioning for administrative review under IC 4-21.5-3 and petition for the stay of effectiveness arising from the denial, suspension, revocation, restriction, or refusal to renew certificates of registration for athlete agents, and providing that the attorney general or his designee from outside the consumer protection division of the office of the attorney general may serve as administrative law judge in administrative proceedings under IC 4-21.5-3 arising from the denial, suspension, revocation, restriction, or refusal to renew certificates of registration for athlete agents. Effective 30 days after filing with the secretary of state.

10 IAC 4

SECTION 1. 10 IAC 4 IS ADDED TO READ AS FOLLOWS:

ARTICLE 4. ATHLETE AGENTS

Rule 1. Authority and Applicability

10 IAC 4-1-1 Authority

Authority: IC 4-6-2-1.3

Affected: IC 25-5.2

Sec. 1. This article is adopted under the authority granted to the attorney general by the uniform athlete agent act (IC 25-5.2). (*Office of Attorney General for the State; 10 IAC 4-1-1; filed Feb 22, 2002, 2:52 p.m.: 25 IR 2208*)

10 IAC 4-1-2 Applicability

Authority: IC 4-6-2-1.3

Affected: IC 25-5.2

Sec. 2. The definitions in the uniform athlete agent act and in this rule apply throughout this article. (*Office of Attorney General for the State; 10 IAC 4-1-2; filed Feb 22, 2002, 2:52 p.m.: 25 IR 2208*)

Rule 2. Definitions

10 IAC 4-2-1 “Administrative law judge” defined

Authority: IC 4-6-2-1.3

Affected: IC 4-21.5-1-2; IC 4-21.5-3-35; IC 25-5.2

Sec. 1. “Administrative law judge” shall have the meaning set forth in IC 4-21.5-1-2. (*Office of Attorney General for the State; 10 IAC 4-2-1; filed Feb 22, 2002, 2:52 p.m.: 25 IR 2208*)

10 IAC 4-2-2 “Division” defined

Authority: IC 4-6-2-1.3

Affected: IC 4-6-9; IC 25-5.2

Sec. 2. “Division” means the consumer protection division of the office of attorney general for the state. (*Office of Attorney General for the State; 10 IAC 4-2-2; filed Feb 22, 2002, 2:52 p.m.: 25 IR 2208*)

Rule 3. Fees

10 IAC 4-3-1 Fee for registration as an athlete agent

Authority: IC 4-6-2-1.3

Affected: IC 25-1-8-2; IC 25-5.2-2-7

Sec. 1. The fee for a two (2) year application for registration or renewal of registration is seven hundred dollars (\$700). (*Office of Attorney General for the State; 10 IAC 4-3-1; filed Feb 22, 2002, 2:52 p.m.: 25 IR 2208*)

Rule 4. Enforcement

10 IAC 4-4-1 Powers of regulation by the division

Authority: IC 4-6-2-1.3

Affected: IC 4-21.5-3-35; IC 25-5.2

Sec. 1. The division shall have the responsibility for the regulation of athlete agents, including the:

- (1) granting;**
- (2) denial;**
- (3) renewal;**
- (4) refusal to renew;**
- (5) suspension;**
- (6) revocation; and**
- (7) restriction;**

of certificates of registration of athlete agents. (*Office of Attorney General for the State; 10 IAC 4-4-1; filed Feb 22, 2002, 2:52 p.m.: 25 IR 2208*)

10 IAC 4-4-2 Powers of investigation by the division

Authority: IC 4-6-2-1.3

Affected: IC 25-5.2

Sec. 2. The division may investigate any athlete agent matter for which investigative authority is granted to the attorney general by IC 25-5.2. (*Office of Attorney General for the State; 10 IAC 4-4-2; filed Feb 22, 2002, 2:52 p.m.: 25 IR 2208*)

Rule 5. Administrative Proceedings

10 IAC 4-5-1 Administrative proceedings

Authority: IC 4-6-2-1.3

Affected: IC 4-21.5-3-35; IC 25-5.2

Sec. 1. Any agency action by the division shall be governed by the rules under the administrative orders and procedures act (IC 4-21.5 et seq.). (*Office of Attorney General for the State; 10 IAC 4-5-1; filed Feb 22, 2002, 2:52 p.m.: 25 IR 2208*)

10 IAC 4-5-2 Administrative hearings

Authority: IC 4-6-2-1.3

Affected: IC 4-21.5-3-35; IC 25-5.2

Sec. 2. The attorney general shall set an administrative hearing date within twenty-one (21) days following

receipt of the petition for review. (*Office of Attorney General for the State; 10 IAC 4-5-2; filed Feb 22, 2002, 2:52 p.m.: 25 IR 2209*)

10 IAC 4-5-3 Administrative law judge to be chosen from outside the division

Authority: IC 4-6-2-1.3

Affected: IC 4-21.5-3-35; IC 25-5.2

Sec. 3. For the administrative hearing described in 10 IAC 4-4-4 [sic.], the attorney general or his designee shall act as administrative law judge. Should the attorney general choose to designate an administrative law judge, the administrative law judge for this hearing shall be selected from outside the division. (*Office of Attorney General for the State; 10 IAC 4-5-3; filed Feb 22, 2002, 2:52 p.m.: 25 IR 2209*)

Rule 6. Agency Contract Notice Provision

10 IAC 4-6-1 Format for notice on agency contract

Authority: IC 4-6-2-1.3

Affected: IC 4-21.5-3-35; IC 25-5.2-2-8

Sec. 1. For the purposes of IC 25-5.2-2-8, the notice required in IC 25-5.2-2-8(c) shall be considered adequate if the notice is in 14-point boldface type in capital letters within two (2) inches of the signature of the student athlete on the same page as the signature of the student athlete. (*Office of Attorney General for the State; 10 IAC 4-6-1; filed Feb 22, 2002, 2:52 p.m.: 25 IR 2209*)

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